

PROGRAM OPPORTUNITY NOTICE

Alternative and Renewable Fuel and Vehicle Technology Program Commercial Scale Advanced Biofuels Production Facilities



PON-13-601

<http://www.energy.ca.gov/contracts>

State of California

California Energy Commission

April, 2013

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I. Introduction

PURPOSE OF SOLICITATION

The California Energy Commission's (Energy Commission) Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) announces the availability of up to \$9,266,737 in grant funds for commercial-scale, low-carbon advanced biofuels production facilities (also called "biorefineries"). Funding is available for projects to: 1) expand existing biofuels production facilities and/or 2) lower the carbon intensity of the fuels produced at existing biofuels production facilities. To be eligible, the capacity of the completed biofuels production facility after the grant project must be at least **15,000,000 gallons per year** of eligible biofuels production. Eligible biofuels are diesel substitutes, gasoline substitutes, and biomethane as each is defined in Section II of this solicitation.

As directed by California Health & Safety Code, Section 44272, and the ARFVTP FY2012-2013 Investment Plan Update¹, the intent of this solicitation is to encourage the production of alternative and renewable transportation fuels in California that can significantly reduce greenhouse gas (GHG) emissions, displace petroleum fuel demand, and stimulate economic development.

BACKGROUND

Assembly Bill 118 (Núñez, Chapter 750, Statutes of 2007), created the ARFVT Program. The statute, subsequently amended by AB 109 (Núñez, Chapter 313, Statutes of 2008), authorizes the Energy Commission to develop and deploy alternative and renewable fuels and advanced transportation technologies to help attain the state's climate change policies.

The ARFVT Program has an annual budget of approximately \$100 million and provides financial support for projects that:

- ☐ Reduce California's use and dependence on petroleum transportation fuels and increase the use of alternative and renewable fuels and advanced vehicle technologies.
- ☐ Produce sustainable alternative and renewable low-carbon fuels in California.
- ☐ Expand alternative fueling infrastructure and fueling stations.
- ☐ Improve the efficiency, performance and market viability of alternative light-, medium-, and heavy-duty vehicle technologies.
- ☐ Retrofit medium- and heavy-duty on-road and non-road vehicle fleets to alternative technologies or fuel use.
- ☐ Expand the alternative fueling infrastructure available to existing fleets, public transit, and transportation corridors.
- ☐ Establish workforce training programs and conduct public outreach on the benefits of alternative transportation fuels and vehicle technologies.

¹ California Energy Commission. 2012-2013 Investment Plan Update for the Alternative and Renewable Fuel and Vehicle Technology Program, Publication No. CEC-600-2012-001-LCF, April 2012, pp. 15-19.

KEY ACTIVITIES AND DATES

Key activities including dates and times for this solicitation are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

ACTIVITY	ACTION DATE
Solicitation Release	April 10, 2013
Deadline for Written Questions*	April 29, 2013
Pre-Application Workshop*	April 26, 2013
Distribute Questions/Answers and Addenda (if any) to solicitation	May 3, 2013
Deadline to Submit Applications by 3:00 p.m.*	May 31, 2013
Anticipated Notice of Proposed Award Posting Date	July, 2013
Anticipated Energy Commission Business Meeting Date	October, 2013
Anticipated Agreement Start Date	November, 2013

AVAILABLE FUNDING

There is \$9,266,737 available for the agreements resulting from this solicitation. The Energy Commission, at its sole discretion, reserves the right to increase or reduce the amount of funds available under this solicitation.

HOW AWARD IS DETERMINED

Competitive Solicitation: Applicants compete based on selection criteria and are scored and ranked based on those criteria. Highest scoring applicants will be selected for awards until the funds are exhausted. Refer to Section IV of this solicitation for additional information about the evaluation process and scoring criteria.

If the funds available under this solicitation are insufficient to fully fund a grant proposal, the Energy Commission reserves the right to partially fund that proposal. In this event, the Proposed Awardee/Applicant and Commission Agreement Manager (CAM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

MAXIMUM AWARD AMOUNT AND FUNDING CAP

Projects are eligible for up to 50% of the total project cost or \$5.0 million, whichever is less. Only one project may be proposed per application. Multiple applications may be submitted so long as each application is submitted separately and each application independently meets the requirements of this solicitation.

PRE-APPLICATION WORKSHOP

There will be one Pre-Application Workshop; participation in this meeting is optional but encouraged. The Pre-Application Workshop will be held through in-person participation, WebEx, and conference call at the date, time and location listed below. Please call (916) 654-4381 or refer to the Energy Commission's website at www.energy.ca.gov/contracts to confirm the date and time.

Friday, April 26, 2013

10:00 am

California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814

Participation through WebEx

For participation through WebEx, the Energy Commission's on-line meeting service, follow the instructions below:

Computer logon with a direct phone number:

- * Please go to <https://energy.webex.com> and enter the unique meeting number **923 556 976**
- * When prompted, enter your information and the following meeting password: **meeting@10**
- * After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

Computer logon for callers with an extension phone number, etc.:

- * Please go to <https://energy.webex.com> and enter the unique meeting number **923 556 976**
- * When prompted, enter your information and the following meeting password: **meeting@10**
- * After you login, a prompt will ask for your phone number. CLICK CANCEL.
- * Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

Telephone only (no computer access):

- * Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from: <https://energy.webex.com/energy/globalcallin.php>

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

QUESTIONS

During the solicitation process, questions of clarification about this solicitation must be directed to the Grants Officer listed in the following subsection. You may ask questions at the Pre-Application Workshop, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on the date listed in the Key Activities and Dates table earlier in this solicitation.

Question and answer sets will be e-mailed to all parties who attended the Pre-Application Workshop and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Energy Commission's website at: <http://www.energy.ca.gov/contracts>.

Any verbal communication with an Energy Commission employee concerning this solicitation is not binding on the State and shall in no way alter a specification, term, or condition of the solicitation. Therefore, all communication must be directed in writing to the Energy Commission's Grant Officer assigned to the solicitation.

GRANT OFFICER CONTACT INFORMATION

Rachel Grant Kiley, Contracts, Grants and Loans Office Manager
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654- 4379
FAX: (916) 654-4423

E-mail: Rachel.Grant-Kiley@energy.ca.gov

REFERENCE DOCUMENTS

This solicitation and all supporting documents and forms can be found at <http://www.energy.ca.gov/contracts> under "Current Solicitations." Interested parties may also sign on to the electronic mailing list on this webpage to be notified of any changes to this solicitation. For those parties without Internet access, copies of this solicitation can be obtained by contacting:

California Energy Commission
Contracts, Grants and Loans Office
1516 Ninth Street, MS-18
Sacramento, CA 95814
Telephone: (916) 654-4381

II. Eligibility Requirements

ELIGIBLE APPLICANTS

This solicitation is open to businesses, public agencies, vehicle and technology entities, public-private partnerships, and academic institutions. Every entity that applies under this solicitation must meet the solicitation requirements and must agree to the Terms and Conditions (Exhibit C) and Special Terms and Conditions (Exhibit D). The Energy Commission will not award agreements to non-complying entities.

To be eligible, Applicants must have a business presence in California. All corporations, limited liability companies (LLCs) and limited partnerships (LPs) are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. If not currently registered with the California Secretary of State, Applicants are encouraged to contact the Secretary of State's Office as soon as possible to avoid potential delays in beginning the proposed project(s) (should the application be successful). For more information, contact the Secretary of State's Office via its website at www.sos.ca.gov.

ELIGIBLE PROJECTS

First, funding is available for projects at existing biofuel production facilities to:

- (1) **expand or modify** facilities to increase production capacity; and/or
- (2) **lower** the carbon intensity of the fuels produced.

A biofuels production facility that previously received an Energy Commission award is eligible for an additional award under this solicitation so long as the newly proposed project builds upon, and is in addition to, the project previously funded by the Energy Commission. The project proposed under this solicitation must further expand biofuel production facilities by increasing biofuel production capacities beyond current capacities, lowering the biofuel carbon-intensities below current levels, or both. Refer to the "CEIP Participants" subsection below for additional requirements.

Second, all proposed projects must result in a biofuel with calculated **carbon intensity at least 5% below** the California Air Resources Board (ARB) Low Carbon Fuel Standard (LCFS) reference baselines for corn ethanol for gasoline substitutes (80.7 gCO₂e/MJ) or soy biodiesel for diesel substitutes (83.25 gCO₂e/MJ) as applicable. For the purposes of this solicitation, biomethane projects are stipulated as meeting this eligibility requirement.

Carbon intensities must be calculated using a method that conforms to the Air Resources Board (ARB) LCFS. Quantify the potential greenhouse gas emissions of the proposed project in grams of CO₂-equivalent per megajoule (gCO₂e/MJ), and include your calculations and assumptions. Compare the greenhouse gas emissions reductions to the appropriate petroleum baseline listed on the Low Carbon Fuel Standard website.

http://www.arb.ca.gov/fuels/lcfs/lu_tables_11282012.pdf

If the carbon intensity of the proposed project has already been calculated through the ARB Biorefinery Registration process, please state so and provide the pathway identifier from the Biorefinery Registration Database.

The ARB calculation methodology guidance is available at :

<http://www.arb.ca.gov/fuels/lcfs/2a2b/internal/mixed-feedstock-bdrd-120112.pdf>

Third, the annual production capacity of the completed biofuel production facility after the grant project must be at least **15,000,000 gallons per year** of eligible biofuel(s) as defined above. For purposes of this solicitation, eligible biofuels include the following:

1. **Diesel substitutes.** These include renewable diesel, biodiesel, or other suitable substitutes. Eligible feedstocks for diesel substitutes include waste-based biomass or other biogenic by-products, and purpose grown crops.
2. **Gasoline substitutes.** These include ethanol, biobutanol, renewable gasoline, or other suitable substitutes. Eligible feedstocks for gasoline substitutes include waste-based biomass and purpose grown crops.
3. **Biomethane.** Eligible feedstocks for biomethane are pre-landfilled waste-based biomass sources including, but are not limited to agricultural residues, woody biomass and forest residues, animal manures², food waste, and Municipal Solid Waste (MSW)³

Fourth, eligible projects must mitigate the environmental effects of on-road motor vehicle air emissions.

Corn grain is NOT an eligible feedstock. If using MSW as a feedstock, only the biogenic fraction of the waste stream is eligible).

ELIGIBLE PROJECT COSTS

Costs incurred for the following activities are eligible for Energy Commission reimbursement or as the Applicant's match share:

1. Engineering plans and specifications.
2. Building and facility construction and/or modifications.
3. Asset and/or equipment acquisition.
4. Feedstock development activities that lead directly and demonstrably to fuel production at quantities equal to or above the minimum fuel requirement.

The Energy Commission will not reimburse for land acquisition but this may be counted towards match share.

² California Regional Water Quality Control Board, Central Valley Region, "Dairy Manure Digester and Co-Digester Facilities: Final Program Environmental Impact Report" November 2010
http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/1012/dairy_digester_eir/dairy_digstr_fpeir.pdf

³ California Department of Resources Recycling and Recovery (CalRecycle), "Statewide Anaerobic Digester Facilities for the Treatment of Municipal Organic Solid Waste: Final Program Environmental Impact Report" June 2011
<http://www.calrecycle.ca.gov/swfacilities/Compostables/AnaerobicDig/PropFnIPEIR.pdf>

CEPIP PARTICIPANTS

Applicants currently participating in the CEPIP may apply for funding under this solicitation provided they meet the requirements from the California Ethanol Producer Incentive Program solicitation (PON-09-607), Addendum 4 (dated December 10, 2010), subject to the modifications below:

1. The Lead Transportation Commissioner of the Energy Commission, or his or her designee, verifies that the plan demonstrates the Biorefinery Operational Enhancement Goals through one of the two pathways can be achieved and accounted for separately from, and over and above, any carbon reductions and environmental benefits resulting from the measures or activities funded under the other ARFVT Program solicitation(s).
2. For the purposes of this solicitation and notwithstanding the requirements contained in PON-09-607, Addendum 4, CEPIP participants may submit the plan in conjunction with the application for funding under this solicitation.

For further information, please see:

http://www.energy.ca.gov/contracts/PON-09-607/PON-09-607_Addendum_04.pdf

PROJECTS REQUIRED BY STATE OR FEDERAL LAW:

California Health & Safety Code § 44271(c) provides, in part, that:

“... eligible projects do not include those required to be undertaken pursuant to state or federal law, district rules or regulations, memoranda of understanding with a governmental entity, or legally binding agreements or documents.”

California Code of Regulations, Title 20, Section 3103 currently provides, in part:

“If a project is one that helps the proposing entity meet a performance requirement mandated by local, regional, state, or federal law, rule, or regulation, the project shall not be eligible for funding. To the extent a project exceeds what is required for compliance with a legally enforceable requirement, it may receive funding for that part of the project that the applicant demonstrates is not mandated to meet the requirement. Credits generated by the excess, however, may not be used or sold by the proposing entity to offset a legally enforceable requirement, except to the extent allowed by subsection (b).”

Subsection (b) of Section 3103 currently requires, among other things, discounting of certain credits generated from the reduction of criteria pollutants, toxic air contaminants, or greenhouse gases. See Special Terms and Conditions, Exhibit D, Section 1.

The ARFVTP regulations, including Section 3103 can be found at:

<http://www.energy.ca.gov/2008publications/CEC-600-2008-013/CEC-600-2008-013-F.PDF>.

NOTE: On November 14, 2012, the Energy Commission issued an Order Instituting Rulemaking (OIR), No. 12-1114-5 in order to consider whether to revise title 20, California Code of Regulations, section 3103. In the rulemaking proceeding, the Energy Commission will consider possible elimination of the credit discount provisions set forth in subsection (b) of the regulation, as well as other possible revisions to the regulation. If the rulemaking proceeding results in any changes to current Section 3103, the funding restrictions and requirements set forth in Special Terms and Conditions, Exhibit D, Section 1 may become inapplicable as provided in Section 1, Subsection (A) titled “Applicability of Funding Restrictions”. See Special Terms and Conditions, Exhibit D, Section 1 for additional detail.

MATCH FUNDING REQUIREMENTS

To be eligible, applications must include a **minimum 50 percent match share** from non-California state agency sources. Applications with a greater percentage of the total project costs in match share funding will be scored higher than those with lower match share funding. Please see Section IV for scoring criteria.

“Match funding” or “match share” means cash or in-kind (non-cash) contributions provided by the Applicant/Recipient, subcontractors, or other parties that will be used in performance of the proposed project. Match share percentage is calculated by dividing the total match share contributions by the total allowable project cost. “Total allowable project cost” is the sum of the Energy Commission’s reimbursable share and Recipient’s match share of the project costs. Refer to Attachment 9 ARFVTP Terms and Conditions (Exhibit C) for match share requirements in addition to the following:

- A. All match share expenditures must conform to the terms and conditions of this solicitation and the resulting grant agreement.
- B. Applicants must disclose the source and provide verification and documentation for the match share funding committed to the project. For match share committed by a third-party (i.e., other than the match share committed by the Applicant), applicant must submit a letter of commitment from each match share partner identifying the source(s) and availability of match funding.
- C. During the term of the Grant Agreement, grant recipients will be required to document and verify all match share expenditures through invoices submitted to the Energy Commission.
- D. Match share funding may be in the form of cash or in-kind contributions such as donated labor hours, equipment, facilities, and other property.
 - 1. Equipment, facilities (e.g., laboratory space), and most property may count as match funds as long as the value of the contribution is based on documented market values or book values, prorated for its value to the project, and depreciated or amortized over the term of the project using standard accounting principles.
- E. Match share expenditures are allowable under a Grant Agreement only if they are incurred after the Energy Commission notifies the applicant that its project has been proposed for an award through the release of a Notice of Proposed Awards (NOPA). Match expenditures incurred prior to the approval and signing of a Grant Agreement are made at the applicant’s own risk. The Energy Commission is not liable for applicant’s match share costs if the grant is not approved, if approval is delayed, or if the match share expenditure is not allowable under the terms and conditions of the grant or this solicitation.

III. Application Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit an application. The format is prescribed to assist the Applicant in meeting State requirements and to enable the Energy Commission to evaluate each application uniformly and fairly. Applicants must follow all Application format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR AN APPLICATION

All applications submitted under this solicitation must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged. Original of application should be bound only with a binder clip.

PAGE LIMITATIONS

The Project Narrative is limited to a maximum of 30 pages. The maximum length of the Executive Summary is two (2) pages.

NUMBER OF COPIES

Applicants must submit the original and 6 copies of the application

Applicants must also submit electronic files of the application on **CD-ROM or USB memory stick** along with the paper submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 5, must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the application must be labeled "Program Opportunity Notice PON-13-601," and include the title of the application.

Include the following label information and deliver your application, in a sealed package:

Person's Name, Phone #
Applicant's Name
Street Address
City, State, Zip Code
FAX #

California Energy Commission
Contracts, Grants & Loans Office
Attn: PON-13-601
1516 Ninth Street, MS-18
Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

An Applicant may deliver an application by:

- ☐ U.S. Mail
- ☐ In Person
- ☐ Courier service

Applications must be delivered **no later than 3:00 p.m.**, to the Energy Commission's Contracts, Grants and Loans Office during normal business hours and prior to the date and time specified in this solicitation. Applications received after the specified date and time are considered late and will not be accepted. No exceptions will be considered. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

APPLICATION ORGANIZATION

<i>Element</i>	<i>Attachment Reference (if applicable)</i>
Application Form	Attachment 01
Table of Contents	N/A
Executive Summary	N/A
Project Narrative	N/A
Resumes	N/A
Scope of Work	Attachment 02
Schedule of Products and Due Dates	Attachment 04
Budget	Attachment 05
Contacts List	Attachment 06
Letter(s) of Support/Commitment	N/A
CEQA Compliance Form	Attachment 07
Photographic Evidence	N/A
Localized Health Impacts Information	Attachment 08
ARFVTP Funding Restrictions Certification	Attachment 12

REQUIRED DOCUMENTS

The following are the specifics for each element of the application:

- A. Application Form:** Each Applicant must include a completed Application Form shown in Attachment 01 that is signed by an authorized representative of the Applicant's organization.
- B. Table of Contents:** Each Application must include a table of contents that identifies the application elements and corresponding page numbers.
- C. Executive Summary:** Each application must contain an Executive Summary that, at a minimum, includes: a project description, project goals, and quantitative and measurable objectives to be achieved. The maximum length of the Executive Summary is two (2) pages.

- D. Project Narrative:** The Project Narrative is limited to a maximum of 30 pages. The Project Narrative must include a detailed description of the proposed project, its operational goals and objectives, and an explanation of how these will be implemented through the tasks described in the Scope of Work.

Applicants must detail their commercialization plan that will achieve the objectives of the proposed project. The plan should include commercialization steps and associated timelines, including annual biofuel production levels for at least three years after project completion.

Applicants should address each of the Scoring Criteria described in Section IV thereby providing sufficient, unambiguous detail so that the Evaluation Team will be able to evaluate the application against each scoring criterion. Applications must respond directly to each criterion, with the headings as titled below, and include the following information:

1. Qualifications of the Project Team

- a. **Personnel.** Applications must identify, by name and/or classification, all key personnel (including project manager) and subcontractors who will participate in the proposed project and clearly describe their individual areas of responsibility. The project manager is the one individual responsible for interacting with the Commission Agreement Manager on all issues relating to the overall project and coordinating all aspects of work under the project.
- b. **Commitment and Roles.** Applications must provide information as to who, among the Applicant staff and subcontractors, will be committed to each task described in the Scope of Work. Further, applications should describe the staff roles in the proposed project and identify the percentage of time each team member will devote to the proposed project.
- c. **Past Projects.** Applications must provide a list of relevant past projects, including project implementation dates and facility location.
- d. **Experience.** Applications must include detailed relevant technical and business experience that demonstrates the ability to successfully implement the proposed project.

2. Technology(ies) and Process(es) Used in the Proposed Commercial Biofuels Facility

- a. Applications must identify how proposed technology(ies) and process(es) contribute to the facility's ability to compete in the commercial marketplace, increase the in-state long-run production potential of low carbon biofuels, and advance the state-of-the-art in biofuels production technology
- b. Applications must also include information about the potential for adaptability of the proposed technology(ies) and process(es) to new configurations to address dynamic feedstock and product market prices. Your answers should address the following elements:
 - i. **The** types of technologies proposed, and their ability to achieve cost-effective biofuel production.
 - ii. How long and where these technologies have been employed, and the Applicant's experience employing them.
 - iii. If applicable, how the proposed technology package will exceed the performance of existing feedstock-to-fuel pathways, in terms of costs and product yields in gallon of gasoline or diesel equivalents.

- c. Applications must identify the amount (in annual output) and type(s) of co-product(s) produced over the term of the project including the expected commercial viability of co-product(s) produced.
- d. Applications must include information about the project's contribution to the state's ability to substantially increase the in-state production of low carbon biofuels, in terms of the build-out potential of the technology to meet the state's future aggregate demand.

3. Market Viability

- a. **Target Markets and Growth.** Applications must include information about the project's market viability. The application must include information about the project's target markets, populations, existing or potential competition, market drivers, and anticipated market growth.
- b. **Market Barriers.** Applications must identify known or expected market barriers and include a plan to address those barriers.
- c. **Financial Risk.** Applications must provide information about the management of the financial risks, in terms of a documented credible project plan (with assumptions listed) that demonstrates the applicant's ability to effectively manage financial risks associated with variable feedstock cost and quality, and variable product market prices.
- d. **Partners.** Applications must provide information about the role of strategic marketing partners, customers, and other partners in ensuring success in commercialization.
- e. **Economic Viability.** Applications must provide cash flow projections (with assumptions) over the duration of the proposed project. In addition, Applications must explain the economic viability of the proposed project and include all assumptions.

4. Project Implementation

- a. **Fuel Quality.** Applications must include the details of the project's fuel quality assurance plan (how the plan will work in actual implementation), including testing and measurement protocols, fuel quality standards, and capacity for timely identification of problems.
- b. **Safety.** Applications must provide information about the ability of the project, key staff, and key project participants to react to and resolve potential safety issues as well as a plan to mitigate hazards.
- c. **Maintenance and Training.** Applications must include the maintenance plan for the facility and a training plan for all facility personnel.
- d. **Feedstock.** The application must include information about sustainable feedstock procurement, including sources and competition for feedstocks.

5. Project Readiness

- a. **Overall Readiness/Permitting.** Applications must include information about the degree to which the tasks in the Scope of Work ensure project readiness and the degree to which project preparations are complete. In addition, Applications must include information about the permitting required for the commercial facility and whether or not the permitting has been completed. If the permitting has not been completed, Applications must include a permitting schedule that ensures successful project completion within the timeframes specified in this solicitation.

- b. **Site Control.** Applications must explain and adequately document site control which may include, but is not limited to: leases, ownership, or access rights. Applications must explain a commitment for continuous ownership and operation of the commercial biofuels facility for a minimum of three (3) years after the grant term.
- c. **California Environmental Quality Act.** Applications must include information documenting progress towards achieving compliance under the California Environmental Quality Act (CEQA). If CEQA compliance has not been obtained, Applications must include a schedule to complete CEQA activities for the proposed project. See Item K below for the requirements for CEQA.
- d. **Community Outreach.** Applications must include information about planned community outreach, including outreach and discussions with fire marshals and educational efforts to explain to the public about the commercial biofuels facility.
- e. **Reasonableness of Proposed Schedule.** Applications must include a discussion on why the proposed schedule of products and due dates are reasonable and how they lead to commercialization within 12 months after execution of the agreement.

6. Project Budget

- a. **Reasonability of Proposed Costs.** Applications must include a discussion on why the proposed project budget and costs are reasonable for the facility's capacity, and how the Energy Commission's funding is utilized efficiently and effectively.
- b. **Need for State Funds.** Applications must include rationale as to why state funds are necessary for the commercialization of the proposed facility.

7. Economic Benefits

- a. **Business Opportunities.** Applications must include information about how the commercial facility will expand business opportunities for California-based businesses.
- b. **Jobs Creation.** Applications must include information about the quantity of jobs, skill level(s), and locations of temporary and/or permanent jobs created as a result of the commercial facility.
- c. **Tax.** Applications must include the projected tax impacts from the sale of the product(s) that are produced by the commercial facility.

8. Sustainability

- a. **Preservation of Natural Resources.** Applications must explain how the proposed project preserves and enhances the use of natural resources in the State and promotes superior environmental performance of alternative and renewable fuels, infrastructure, and vehicle technologies. Applications must include information related to water use efficiency or reclamation; identify feedstocks that come from waste resources; and/or identify abandoned or reclaimed land used for energy crop production.

- b. **Greenhouse Gas Emissions Reductions.** Applications must explain how the commercial facility will achieve substantial reduction in greenhouse gas emissions, on a lifecycle basis, relative to the relevant fossil fuels baseline. **Applications must specify the potential** emissions reductions in grams of CO₂ equivalent per MegaJoule (gCO₂e/MJ) and must include the basis for the estimations, including assumptions and methods. **Applications must show the greenhouse** gas emissions reductions relative to the appropriate petroleum baseline listed on the LCFS website:
http://www.arb.ca.gov/fuels/lcfs/lu_tables_11282012.pdf
- c. **Total Carbon Displacement.** Applications must show the total weight, in tons, of CO₂ displaced by the addition of this project.
- d. **Petroleum Displacement.** Applications must describe and calculate the volume of petroleum displaced annually as a result of the eligible biofuels produced by the proposed project. Provide both the pre-project biofuels production capacity at the facility, and the post-project biofuels production capacity.

Applications must calculate the petroleum displacement in terms of millions of gallon equivalents per year.
- E. **Resumes:** For each key individual working on the proposed project, applications must include employer, position title, job description, a current individual resume (maximum of two pages each) including job classification and description, relevant experience, education, academic degrees, professional licenses, and contact information. Resumes are limited to a maximum of 2 pages each.
- F. **Scope of Work:** Applications must include a comprehensive Scope of Work for the proposed project. Applicants must use the template contained in Attachment 02. Instructions for completing the Scope of Work are included in Attachment 03. Electronic files for the Scope of Work must be in MSWord™. The tasks described in the Scope of Work must conform to the activities proposed in the Project Narrative.
- G. **Schedule of Products and Due Dates.** Applications must include a completed Schedule of Products and Due Dates (Attachment 04). Instructions for the Schedule of Products and Due Dates are included in Attachment 04. Electronic files for the Schedule of Products and Due Dates must be in MS Excel™.
- H. **Budget:** Applications must include a complete and comprehensive budget for the proposed project. Applicants must use the Budget forms contained in Attachment 05. Instructions for completing the Budget forms are included in Attachment 05. Electronic files for the Budget must be in Microsoft Excel™.

Proposed budgets must adhere to the following requirements:

1. To be eligible for reimbursement, project costs must be incurred or paid for by the Applicant during the approved term of the Grant Agreement. The requirements for match share funding are described in Section II of this solicitation.
2. The Budget should allow for the expenses of a Kick-off Meeting, at least two Critical Project Review meetings, and a Final meeting. Meetings are anticipated to be conducted at the Energy Commission located in Sacramento, CA.
3. Expenditures related to permits and insurance are not an eligible for Energy Commission reimbursement, but may be counted toward the applicant's proposed match share contribution to the project.

4. The Budget should allow for the preparation and submission of monthly progress reports (1-2 pages each) during the approved term of the agreement, and a Final Report. Instructions for preparing the Final Report will be provided to successful Applicants.
5. The purchase of equipment (items with a unit cost greater than \$5,000 and a useful life of greater than one year) with Energy Commission funds will require disposition of purchased equipment at the end of the project. Typically, Grant Recipients may continue to utilize equipment purchased with Energy Commission funds as long as the use is consistent with the intent of the original Grant Agreement. *There are no disposition requirements for equipment purchased with match share funding.*
6. The Budget must reflect estimates for **actual** costs of the proposed project. The Energy Commission can only approve and reimburse for actual costs that are properly documented in accordance with the terms and conditions.
7. The Budget must **NOT** include any profit from the proposed project, either as a reimbursed item or as match share.
8. Please review the Terms and Conditions (Exhibits C and D) for additional restrictions and requirements.
9. **IMPORTANT- Payment of Prevailing Wages:** All applicants must read and pay particular attention to ARFVTP Terms and Conditions, Exhibit C, Section 27 entitled "Public Works -- Payment of Prevailing Wages". Prevailing wage rates can be significantly higher than non-prevailing wage rates. Failure to pay legally-required prevailing wage rates can result in substantial damages and financial penalties, termination of the Grant Agreement, disruption of projects, and other complications.

I. Budget Forms

Task Summary	Attachment 5, Attachment B-1a
Category Summary	Attachment 5, Attachment B-1b
Prime Labor Rates	Attachment 5, Attachment B-2
Labor Rates for each Subcontractor	Attachment 5, Attachment B-2a-z
Prime Non-Labor Rates	Attachment 5, Attachment B-3
Non-Labor Rates for each Subcontractor	Attachment 5, Attachment B-3a-z
Direct Operating Expenses	Attachment 5, Attachment B-4
Match Funding	Attachment 5, Attachment B-5

1. The Applicant must submit information on **all** of the attached budget forms, B-1 through B-5. Detailed instructions for completing these forms are included at the beginning of Attachment 5.
2. Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the Recipient for this solicitation. The salaries, rates, and other costs entered on these forms become a part of the final agreement. The entire term of the agreement and projected rate increases must be considered when preparing the budget. The rates proposed are considered capped and shall not change during the term of the agreement. The Recipient shall only be reimbursed for their **actual** rates up to these rate caps. The hourly rates provided in all B-3s shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).
3. All budget forms are required because they will be used for the agreement prepared with the winning Applicant(s).
4. **NOTE:** The information provided in these forms will **not** be kept confidential.

- J. Letters of Support/Commitment.** Applications should include letter(s) of support/commitment which are limited to 2 pages maximum each. The letter(s) are not counted against the page limitations specified in this solicitation. The letter(s), **some of which are mandatory**, must include complete contact information so the Energy Commission is able to efficiently contact the letter writer, as necessary.

MANDATORY: Applications must include letters of support/commitment for:

1. Each key project partner identified in Application.
2. All third-party match share contributors. Letters must identify funding source(s) and commit to providing the identified match funding.

OPTIONAL: Applicants are encouraged to submit additional letter(s) of support that further substantiate the estimated demand and/or the potential benefits of the commercial biofuels facility. Third-party letters of support can be provided by, but are not limited to: air districts, state or federal agencies, local safety officials, fleet operators, and any other relevant organizations.

OPTIONAL: Applicants are encouraged to submit copies of correspondence with commitments to purchase or distribute the biofuels produced by the proposed project.

K. California Environmental Quality Act (CEQA) Compliance Information

Applicants must complete Attachment 07. The Energy Commission requires this information to assist its own determination of what level of environmental review is required under the California Environmental Quality Act (Public Resource Code Section 21000 et.seq). The Energy Commission must ensure that the appropriate level of environmental review under CEQA is complete prior to advancing a project to a Business Meeting for Energy Commission approval. Thus, no award can be approved, nor can any grant be executed, until CEQA is satisfied.

The Applicant must provide the following information in or with Attachment 07 as it pertains to the proposed project:

1. **Proposed Commercial Biofuels Facility Location:** Applicants must provide the specific address or equivalent location information for the proposed commercial biofuels facility.
2. **Permits:** Applicant must identify the permits necessary for the project.
3. **Project Impacts:** Applicants must describe the potential or actual impacts the project may have on the surrounding environment.
4. **CEQA Lead Agency:** Applicants must identify the CEQA lead agency and include documentation demonstrating that contact has been made with the local agency with jurisdiction over the project for purposes of complying with CEQA. The documentation may be in the form of a letter from the local agency or a CEQA application to the local agency that is stamped as received by the local agency.
 - a. If the Energy Commission is the only agency with discretionary approval over the proposed project (e.g. the local agency does not consider the proposed activities a "project" for purposes of CEQA), then the Energy Commission will act as the lead agency and will work with the Applicant after the release of the Notice of Proposed Award (NOPA) to ensure CEQA compliance.

- b. If the Energy Commission is the lead agency for a proposed project, the **Applicant shall be responsible for all costs associated with preparation of environmental review documents** (including, but not limited to, the costs to prepare an initial study and environmental impact report (EIR)). Applicant may also be required to retain a consultant to perform an initial study or other environmental studies. The Energy Commission **WILL NOT** reimburse any Applicant for these costs. If a project is proposed for an award, environmental review costs incurred after the release of the NOPA may be counted as the Applicant's match share.
- 5. **CEQA Schedule:** Applicants must provide the actual or estimated schedule for permitting and CEQA compliance.
- 6. **Possible Categorical Exemption by the Local Agency:** If a local agency has exempted the proposed project or if a local agency determines that the proposed project is not a "project" for purposes of CEQA, Applicants must submit proof of such a determination to the Energy Commission either (1) with their Application to this solicitation, or (2) within 180 days after the release of the Notice of Proposed Awards (NOPA). If an Applicant fails to timely submit the required documentation by the 180-day deadline, the Energy Commission may cancel the proposed award and make an award to the next-highest scoring project.

If a local agency exempts a proposed project from environmental review, the Applicant must provide information on why the project meets the applicable statutory or categorical exemption. The Applicant shall provide facts that support the lead agency's conclusion. For example, for a Class One Categorical Exemption (Cal. Code of Regs., Tit.14 § 15301), Applicant should provide documentation showing that the project is located at an existing facility that involves negligible or no expansion of an existing use.

Ministerial or "Common Sense" Exemptions: If a local agency exempts a proposed project under the "ministerial" or "common sense" exemptions (Cal. Code of Regs., Tit. 14, § 15268 and § 15061, subd. (b)(3), respectively) the Applicant shall provide details on whether the project meets some other statutory or categorical exemption.

- 7. **Initial Study (IS) or Environmental Impact Report (EIR):** If the local agency has not exempted the project, Applicant shall explain whether the local agency is expected to prepare an initial study or EIR and the expected date of completion. Applicants must submit proof that the local lead agency has completed environmental review of its project and adopted a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report within **180 days** from the release of the NOPA. If an Applicant fails to timely submit the required documentation by the 180-day deadline, the Energy Commission may cancel the proposed award and make an award to the next-highest scoring project.
- 8. **Other Relevant CEQA Information:** Applicant shall include any other relevant CEQA documentation or information that will assist the Energy Commission in confirming CEQA compliance.

NOTES REGARDING ENCUMBRANCE DEADLINES AND DISCLAIMER: The funds under this solicitation have strict encumbrance deadlines. The Energy Commission must complete environmental review under CEQA and approve each grant at a business meeting prior to the applicable encumbrance deadline. Thus, if a project cannot complete CEQA review in time to meet the applicable encumbrance deadline, **the Energy Commission reserves the right to cancel the proposed award and recommend funding the next highest scoring award that can meet the encumbrance deadline**, regardless of the Applicant's diligence in submitting CEQA information and materials. Further, the Energy Commission is not liable for any costs incurred during environmental review or as a result of cancelling the proposed award.

- L. Photograph of the Proposed Commercial Biofuels Facility Location:** Applications must provide non-confidential photographic images with both date and time stamps of the proposed project location.
- M. Local Health Impacts Information:** Applicants must complete Attachment 08. The Energy Commission requires this information to assist its own determination on the localized health impacts of the proposed project.
- N. ARFVTP Funding Restrictions Certification:** Applicants must review Attachment 10, Exhibit D Special Terms and Conditions regarding ARFVTP "Funding Restrictions" and complete the certification on Attachment 12.

IV. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the applications will be evaluated. It describes the evaluation stages, preference points, and evaluation of all applications.

APPLICATION EVALUATION

An application will be evaluated and scored based on its responses to the information requested in this solicitation. The entire evaluation process from receipt of applications to posting of the Notice of Proposed Award is confidential.

The Energy Commission will organize an Evaluation Committee to evaluate all applications submitted under this solicitation. The Evaluation Committee may consist of Energy Commission staff or staff of other California state agencies.

The Applications will be evaluated in two stages:

Stage One: Screening Criteria

The Contracts, Grants and Loans Office will screen Applications for compliance with the Administrative Screening Criteria identified below. The Evaluation Committee will screen Applications for compliance with the Technical Screening criteria identified below. Applications that fail any of the Administrative or Technical Screening Criteria shall be disqualified and eliminated from further evaluation.

Administrative Screening Criteria

1. The application is received by the Energy Commission's Grants and Loans Office by the specified due date and time in Section I of this solicitation.
2. The Application Form (Attachment 01) is complete, and is signed by the Applicant's authorized representative.
3. The application does not contain confidential information.
4. The Applicant agrees to the Terms and Conditions (Exhibit C), to the Special Terms and Conditions (Exhibit D), and to meet all requirements of the solicitation by signing the Application Form and not including any statement in the Application that acceptance is based on modifications to those terms and conditions or separate terms and conditions.
5. The application is prepared in the mandatory format described.
6. The budget forms are filled out completely.
7. The Applicant provides the minimum 50% match share requirement (Section I, Maximum Award and Funding Cap and Section II Match Funding Requirements).

Technical Screening Criteria

1. The applicant is an eligible applicant (Section II, Eligible Applicants).
2. The project is an eligible project (Section II, Eligible Projects).

Grounds to Reject an Application

In addition to the Screening Criteria identified above, the Energy Commission reserves the right to reject an application and/or cancel an award if at any time during the application or agreement process the following circumstances are discovered:

- ☐ It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Applicant.
- ☐ The Application is intended to erroneously and fallaciously mislead the State in its evaluation of the Application and the attribute, condition, or capability is a requirement of this solicitation.
- ☐ It does not literally comply or contains caveats that conflict with the solicitation and the variation or deviation is material or it is otherwise non-responsive.
- ☐ The applicant has previously received funding through a Public Interest Energy Research (PIER) agreement, has received the PIER Royalty Review letter which the Energy Commission annually sends out to remind past recipients of their obligations to pay royalties, and has not responded to the letter or is otherwise not in compliance with repaying royalties.

Stage Two: Technical Evaluation of Applications

Applications passing Stage One will be submitted to the Evaluation Committee to review and score based on the Scoring Criteria in this solicitation.

During the evaluation and selection process, the Evaluation Committee may schedule a clarification interview with an Applicant that will either be held by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the application. However, these interviews may not be used to change or add to the contents of the original Application. Applicants will not be reimbursed for time spent answering clarifying questions.

The total score for each Application will be the average of the combined scores of all Evaluation Committee members.

A minimum score of 70 percent is required for the application to be eligible for funding.

Projects achieving a passing score will be recommended for funding in ranked order until the funds in this solicitation have been exhausted.

SCORING SCALE

Using this Scoring Scale, the Evaluation Committee will give a score for each criterion described below.

% of Possible Points	Interpretation	Explanation for Percentage Points
0%	Not Responsive	Response does not include or fails to address the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
10-30%	Minimally Responsive	Response minimally addresses the requirements being scored. The omission(s), flaw(s), or defect(s) are significant and unacceptable.
40-60%	Inadequate	Response addresses the requirements being scored, but there are one or more omissions, flaws, or defects or the requirements are addressed in such a limited way that it results in a low degree of confidence in the proposed solution.
70%	Adequate	Response adequately addresses the requirements being scored. Any omission(s), flaw(s), or defect(s) are inconsequential and acceptable.
80%	Good	Response fully addresses the requirements being scored with a good degree of confidence in the Applicant's response or proposed solution. No identified omission(s), flaw(s), or defect(s). Any identified weaknesses are minimal, inconsequential, and acceptable.
90%	Excellent	Response fully addresses the requirements being scored with a high degree of confidence in the Applicant's response or proposed solution. Applicant offers one or more enhancing features, methods or approaches exceeding basic expectations.
100%	Exceptional	All requirements are addressed with the highest degree of confidence in the Applicant's response or proposed solution. The response exceeds the requirements in providing multiple enhancing features, a creative approach, or an exceptional solution.

SCORING CRITERIA

Scoring Criteria	Maximum Possible Points
<p>1. Qualifications of the Project Team</p> <p>The degree to which the project team's qualifications (including relevant expertise, experience, and skill sets) are suitable to the tasks described in the proposed Scope of Work. Scores will be based on:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Demonstrated ability to meet deadlines and milestones of large scale biofuels projects. <input type="checkbox"/> Suitability of applicant/project team to successfully complete the proposed project. <input type="checkbox"/> Biofuels production related experience. <input type="checkbox"/> Project team members' qualifications, skills, abilities, and relevant technical and business experience align with the needs of the project. 	15
<p>2. Technology(ies) and Process(es) Used in the Proposed Commercial Scale Biofuels Facility</p> <p>The degree to which proposed technology(ies) and process(es) contribute to the facility's ability to compete in the commercial marketplace, increase the in-state production potential of low carbon biofuels, and advance the state-of-the-art in biofuels production technology. Scores will be based on the degree to which Applicant:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provides clear, credible, complete, and comprehensive responses to the information requested below. <input type="checkbox"/> Identifies, discusses, and documents the proposed biofuel conversion technology(ies), in terms of the following: <ul style="list-style-type: none"> ➤ Ability to achieve cost-effective biofuel production. ➤ How long and where these technologies have been employed and the Applicant's experience employing them. ➤ If applicable, how the proposed technology package will exceed the performance of existing feedstock-to-fuel pathways, in terms of costs and product yields in gallon equivalents. <input type="checkbox"/> Documents the amount (in annual output) and market viability of co-product(s) produced over the term of the project. <input type="checkbox"/> Demonstrates the adaptability of the proposed technology(ies) and process(es) to new configurations, as needed, to address dynamic feedstock and product market prices. <input type="checkbox"/> Demonstrates the project's contribution to the State's ability to substantially increase in-State biofuels production, including any replication or build-out potential of the proposed technology. 	25
<p>3. Market Viability</p> <p>Scores will be based on the degree to which the Applicant:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Identifies credible target markets, populations, existing or potential competition, market drivers, and anticipated market growth. <input type="checkbox"/> Adequately addresses identified market barriers. <input type="checkbox"/> Describes and documents the role of strategic marketing partners, customers, and other partners in ensuring commercial success. 	15

Scoring Criteria	Maximum Possible Points
<p>4. Project Implementation</p> <ul style="list-style-type: none"> <input type="checkbox"/> Demonstrated ability of Applicant to equal or exceed current industry and regulatory standards in fuel quality assurance, worker safety and hazard mitigation, and facility maintenance. <input type="checkbox"/> Degree to which Applicant demonstrates economic viability of the proposed project through cash flow projections (with assumptions listed) over the duration of the proposed project. <input type="checkbox"/> Degree to which the applicant demonstrates the economic viability of their long-run commercialization plan. <input type="checkbox"/> Degree to which the tasks in the Scope of Work contribute to meeting production levels for the proposed project. <input type="checkbox"/> Degree to which Applicant demonstrates the ability to effectively manage financial risks associated with variable feedstock cost and quality, and to ensure a sustainable feedstock supply, including, procurement approach and supply chain side logistics. Applications with a more credible procurement plan will be scored higher. 	45
<p>5. Project Readiness</p> <ul style="list-style-type: none"> <input type="checkbox"/> Degree to which required permitting for the commercial facility has been completed and/or the permitting schedule ensures successful project completion within the timeframes specified in this solicitation. Projects with existing permits and/or submitted permit applications and timelines will score higher. <input type="checkbox"/> Degree to which the project has succeeded in obtaining compliance under the California Environmental Quality Act (CEQA). Projects in the process of CEQA review or those that have completed CEQA review will score higher. <input type="checkbox"/> Degree to which the proposed project schedule is realistic. <input type="checkbox"/> Degree to which project schedule accelerates low-carbon biofuel production. <input type="checkbox"/> Extent of planned outreach to the community, including local fire marshals, to educate the public about the commercial biofuels facility. Applicants with a more thorough plan will score higher. <input type="checkbox"/> Degree to which correspondence with customers demonstrates documented commitment to purchase and/or distribute the biofuels. <input type="checkbox"/> Degree to which the application demonstrates and documents site control included but not limited to lease, ownership, or access rights. Applications documenting commitment to continuous ownership and operation of the commercial facility for a minimum of three (3) years after the project will score higher. 	45

Scoring Criteria	Maximum Possible Points
6. Project Budget <ul style="list-style-type: none"> <input type="checkbox"/> Degree to which the proposed commercial facility's project budget and costs are reasonable for the facility's capacity. <input type="checkbox"/> Degree to which the Applicant demonstrates the need for state funding for the proposed project. <input type="checkbox"/> Degree to which the state funding is utilized efficiently (i.e., the cost-effectiveness of the public investment). 	25
7. Match Share <ul style="list-style-type: none"> <input type="checkbox"/> Degree to which the proposed match share exceeds the minimum match share requirements specified in the solicitation. Applications with higher match share commitments will score higher. <input type="checkbox"/> Degree to which the proposed match share is well documented and committed to the proposed project. 	15
8. Economic Benefits <ul style="list-style-type: none"> <input type="checkbox"/> Degree to which the proposed project will expand business opportunities for California-based businesses, including suppliers, project participants, and distributors. Applications that provide greater California economic benefits will score higher. <input type="checkbox"/> The quantity, skill level(s), and locations of temporary and/or permanent jobs created from the proposed project. <input type="checkbox"/> Increase in state and local tax revenues from the proposed project. 	25
9. Sustainability <ul style="list-style-type: none"> <input type="checkbox"/> Degree to which proposed project preserves or enhances natural resources. <input type="checkbox"/> Degree to which the proposed project reduces Greenhouse Gas Emissions on a lifecycle basis, relative to the relevant fossil fuels baseline. <input type="checkbox"/> Degree to which proposed project displaces total carbon emissions. <input type="checkbox"/> Degree to which the eligible biofuels produced by the proposed project displaces petroleum transportation fuels. 	90
Total Possible Points	300

Tie Breakers: If the score for two or more proposals are tied, an objective method will be used for the tiebreaker.

NOTICE OF PROPOSED AWARD

The Energy Commission's proposed funding level, the rank order of applications, and the amount of each proposed award will be announced in a Notice of Proposed Awards (NOPA). The Energy Commission will post a NOPA at the Energy Commission's headquarters in Sacramento, on the Energy Commission's Web Site, and will mail the NOPA to all parties that submitted an application.

DEBRIEFINGS

Unsuccessful Applicants may request a debriefing after the release of the NOPA. A request for debriefing must be received no later than 15 days after the NOPA is released.

V. Administration

DEFINITION OF KEY WORDS

Important definitions for this solicitation are presented below:

Word/Term	Definition
Applicant	Respondent to this solicitation
Application	Formal written response to this solicitation from Applicant
CAM	Commission Agreement Manager
Energy Commission	California Energy Commission
GO	Grants Officer
Solicitation	Program Opportunity Notice, which refers to this entire solicitation document and all its attachments and exhibits
State	State of California

COST OF DEVELOPING APPLICATION

The Applicant is responsible for the cost of developing an application, and this cost cannot be charged to the State.

CONFIDENTIAL INFORMATION

The Energy Commission will not accept or retain any Applications that have any portion marked confidential.

SOLICITATION CANCELLATION AND AMENDMENTS

It is the policy of the Energy Commission not to solicit Applications unless there is a bona fide intention to award an Agreement. However, if it is in the State's best interest, the Energy Commission reserves the right to do any of the following:

- ☐ Cancel this solicitation;
- ☐ Increase or decrease the amount of funds available under this solicitation
- ☐ Amend this solicitation as needed; or
- ☐ Reject any or all Applications received in response to this solicitation

If the solicitation is amended, the Energy Commission will send an addendum to all parties who requested the solicitation and will also post it on the Energy Commission's Web Site

www.energy.ca.gov/contracts.

ERRORS

If an Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in the solicitation, the Applicant shall immediately notify the Energy Commission of such error in writing and request modification or clarification of the document. Such requests must be made following the process described in Section I for "Questions." Modifications or clarifications will be given by written notice of all parties who requested the solicitation, without divulging the source of the request for clarification. The Energy Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF APPLICATION

An Applicant may withdraw its application at any time. An applicant may modify a submitted application before the deadline to submit applications. However, applications cannot be changed after the due date and time. In either case, the applicant must notify the Energy Commission of its intent to modify or withdraw the application by formal letter to the Energy Commission Contact Person. An Application cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the solicitation: "This application and the cost estimate are valid for 60 days."

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in an Applicant's application. The Energy Commission's waiver shall in no way modify the application or excuse the successful Applicant from full compliance.

DISPOSITION OF APPLICANT'S DOCUMENTS

On the Notice of Proposed Award posting date all applications and related material submitted in response to this solicitation become a part of the property of the State and public record. Applicants who want any work examples they submitted with their applications returned to them shall make this request and provide either sufficient postage or a Courier Charge Code to fund the cost of returning the examples.

APPLICANTS' ADMONISHMENT

This solicitation contains the instructions governing the format in which technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Applicant responsibilities. It is the Applicants' responsibility to carefully read the entire solicitation, ask appropriate questions in a timely manner, submit all necessary responses in a complete manner by the required date and time, and make sure that all procedures and requirements of the solicitation are followed and appropriately addressed before submitting an application.

Applicants must agree to be bound by the ARFVT Program Grant Terms and Conditions (Exhibits C and D) for any agreement(s) resulting from this solicitation. The Energy Commission reserves the right to add or modify any special terms and conditions necessary to successfully administer a grant agreement resulting from this solicitation. No exceptions to these ARFVT Program Grant Terms and Conditions will be considered. Therefore, the Energy Commission recommends that both the Applicant and any subcontractors, including legal counsel, carefully review the ARFVT Program Grant Terms and Conditions before deciding to submit an Application. If an Applicant and/or subcontractor do not agree to ARFVT Program Grant Terms and Conditions, the Energy Commission reserves the right to cancel the proposed award to that Applicant and fund the next eligible Application under this solicitation.

AGREEMENT REQUIREMENTS

After the NOPA, the Energy Commission staff will assemble complete Agreements using the materials submitted with the successful applicants' respective applications. The Energy Commission reserves the right to modify the Agreement documents prior to executing the Agreement. The content of this solicitation shall be incorporated by reference into the final Agreement. See the ARFVTP Terms and Conditions (Ex. C) included in this solicitation.

The Energy Commission reserves the right to negotiate with Applicants to modify the project scope, the level of funding, or both. If the Energy Commission is unable to successfully negotiate and execute a funding agreement with an Applicant, the Energy Commission, at its sole discretion, reserves the right to cancel the pending award and fund the next highest ranked eligible project.

The Energy Commission must formally approve all proposed grant awards. ARFVTP Grant Agreements for over \$75,000 must be scheduled and considered at an Energy Commission Business Meeting for approval by the Energy Commission.

Public agencies that receive funding under this solicitation must provide an authorizing resolution approved by their governing authority to enter into an Agreement with the Energy Commission and designating an authorized representative to sign.

The Energy Commission will send the approved Agreement, including all attachments and exhibits, to the grant recipient for review, approval, and signature. Once the grant recipient signs, the Energy Commission will fully execute the Grant Agreement. Recipients are approved to begin the project only after full execution of the Grant Agreement.

NO AGREEMENT UNTIL SIGNED & APPROVED

No agreement between the Energy Commission and the successful Applicant is in effect until the Agreement is signed by the Recipient, approved at an Energy Commission Business Meeting, and signed by the Energy Commission representative.

Agreement Amendment

If necessary, Agreements resulting from the solicitation may be amended by mutual consent of the Energy Commission and the Recipient. The agreement may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.